

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 72827

Alexander Sivels  
100 Hemison Court  
Baltimore MD 21208

626 47<sup>th</sup> Street

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on August 3, 2010, for a Hearing on a citation for violations of the Baltimore County Code 9BCC) section 13-7-310, 312, failure to remove debris, failure to secure shed from rats; section 13-7-305, 306, 307, failure to rid property of rats on residential property zoned DR 5.5 known as 626 47<sup>th</sup> Street, 21224.

On August 3, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Adam Whitlock issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$3,000.00 (three thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on July 7, 2010 for removal of open dump/junk yard, remove trash and debris, store garbage in containers with tight lids, remove/repair unsafe structure, board and secure all openings to premises, seal and treat shed for rats. This Citation was issued on July 20, 2010.

B. This is an investment property. Photographs in the file show junk and trash on the porch and in the yard, including old newspapers and junk mail; an old mattress in the yard; cans, lumber and trash behind the shed. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

C. Photographs show the shed is badly deteriorated, with large holes all along the side where the bottoms of siding boards have been chewed off or rotted off. Notes from the inspector state that there is evidence of rat infestation. The property owner has not responded to the County's notices and there is no evidence that Respondent has taken appropriate action to exterminate the rats. County law requires a property owner or occupant to treat a rat infestation until the rats are eradicated. BCC Section 13-7-305. County law also requires property owners and occupants to remove and abate rat harborage, including closing rat burrows. BCC Section 13-7-306. The property owner then is required by law to either rat-proof or remove the shed. County Code Section 13-7-307. Periodic inspections should continue until the rat infestation is fully abated, holes and burrows are closed, and the shed is removed or rat-proofed. If Respondents do not abate the infestation within the time provided below, and provide the County with appropriate documentation including receipts from a licensed exterminator, the County will be authorized to enter the property for abatement at Respondent's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$3,000.00 (three thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$500.00 (five hundred dollars) if the violations are corrected by August 24, 2010, including removal of all junk, trash and debris, and abatement of rat infestation with documentation provided to Baltimore County.

IT IS FURTHER ORDERED that after August 24, 2010, the County may enter the property for the purpose of removing all junk, trash and debris, at the property owner's expense.

IT IS FURTHER ORDERED that after August 24, 2010, the County may enter the property for the purpose of exterminating the rat infestation, at the property owner's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected. Periodic inspections should continue until the rat infestation is fully abated, holes and burrows are closed, and the shed is removed or rat-proofed; Respondent is subject to additional Citation if all violations are not corrected.

ORDERED this 13<sup>th</sup> day of August 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer